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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Tanya L Deri-Alvarado,

10 Plaintiff,

11 v.

12 Waste Management, et al.,

13 Defendants.
14

No. CV-23-00254-PHX-MTM

ORDER

15 This matter was assigned to Magistrate Judge Michael T. Morrissey. (Doc. 3). On
16 April 26, 2022, the Magistrate Judge filed a Report and Recommendation with this Court,¹
17 recommending that the Plaintiff's Complaint be dismissed with leave to amend. (Doc. 9).
18 To date, no objections have been filed.
19

20 ¹ This case is assigned to a Magistrate Judge. However, not all parties have consented
21 to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant
22 to General Order 21-25, which states in relevant part:

23 When a United States Magistrate Judge to whom a civil action has been
24 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be
25 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)
26 due to incomplete status of election by the parties to consent or not consent
27 to the full authority of the Magistrate Judge,

28 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and
Recommendation for the Chief United States District Judge or designee.

IT IS FURTHER ORDERED designating the following District Court
Judges to review and, if deemed suitable, to sign the order of dismissal on
my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

STANDARD OF REVIEW

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service of a copy of the Magistrate’s recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge’s factual findings and waives all objections to those findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.” Id.

DISCUSSION

Having reviewed the Report and Recommendation of the Magistrate Judge, and no Objections having been made by any party thereto, the Court hereby incorporates and adopts the Magistrate Judge’s Report and Recommendation.

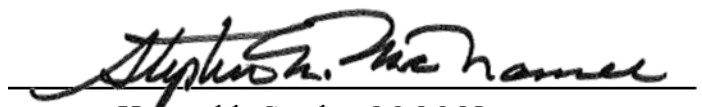
CONCLUSION

Accordingly, for the reasons set forth,

IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge. (Doc. 9).

IT IS FURTHER ORDERED dismissing without prejudice with leave to amend Plaintiff’s Complaint. (Doc. 1). Plaintiff may file an amended complaint on or before June 16, 2023. Failure to do so may result in the dismissal of this case without any further notice to Plaintiff.

Dated this 15th day of May, 2023.



Honorable Stephen M. McNamee
Senior United States District Judge